

REMARKS

Claims 1-23 are now pending, wherein claims 15-20 are withdrawn from consideration.

Figure 2C is amended to correct a designation of a sidewall 22b.

Paragraph 16 of the specification has been amended in order to include additional reference characters. No new matter is added by these amendments.

Claim 1 is rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,263,721 ("Danford").

Independent claim 1 is directed to a tobacco curing barn comprising an enclosure in which tobacco leaves and/or plants can be air cured. At least one vertically arranged air duct is positioned in a central portion of the enclosure, the at least one vertically arranged air duct enclosing at least one in-line fan positioned in the at least one vertically arranged air duct. At least one ventilating fan is located in an upper portion of the enclosure, and at least one openable and closeable opening is in at least one sidewall of the enclosure.

The Office Action relies upon a furnace room 22 defined at the rear of the structure 10 in Danford for allegedly disclosing at least one vertically arranged air duct positioned in a central portion of the enclosure. Applicants respectfully submit that the furnace room 22 of Danford is clearly not a vertically arranged air duct positioned in a central portion of an enclosure in which tobacco leaves and/or plants can be air cured. In fact, the furnace room 22 of Danford is actually divided from a drying chamber or room referred to by the numeral 24. Applicants submit that the furnace room 22 of Danford cannot be interpreted as a vertically arranged air duct positioned in a central portion of an enclosure in which

tobacco leaves and/or plants can be air cured since the furnace room 22 is divided from the drying chamber.

Applicants respectfully submit that the enclosure disclosed in Danford is not only structurally different from the Applicants' claimed combination of features, but also works on a completely different principle of operation. In particular, the enclosure 10 of Danford is divided into a separate furnace room 22 and drying chamber 24. A furnace system 32 within the furnace room 22 is of the forced air type and includes a fan 34 and a burner 36. The furnace system 32 circulates a system of air downwardly into a plenum 28, and then from the plenum 28, which extends along and below the drying chamber 24, upwardly through the tobacco contained on racks or in containers in the drying chamber 24. Accordingly, Applicants respectfully submit that Danford neither discloses nor suggests the claimed combination of features in Applicants' independent claim 1. Withdrawal of the rejection under 35 U.S.C. §102(b) is therefore respectfully requested.

Claims 2-3, 5-7, 10-12 and 21 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Danford in view of Sumner. Applicants respectfully submit that claims 2-3, 5-7, 10-12 and 21 define subject matter that is novel and non-obvious over Danford in combination with Sumner for at least the same reasons as discussed above with regard to independent claim 1. Moreover, Applicants respectfully submit that dependent claims 2-3, 6-7, and 11-12 are further patentable for the feature of at least one temperature sensor or at least one humidity sensor that detects temperature or humidity inside the enclosure, and at least one temperature sensor or at least one humidity sensor that detects temperature or humidity outside the enclosure.

The Office Action relies upon Sumner for a suggestion to control humidity of the barn by locating temperature and humidity sensors outside to determine properties of the inlet fresh air, and humidity and temperature sensors inside the barn to determine necessary amounts of inlet fresh air provided to the barn enclosure. Applicants respectfully submit that Sumner does not disclose or suggest providing a temperature sensor or a humidity sensor that detects temperature or humidity outside the enclosure.

In contrast to the Applicants' claimed invention, Sumner discusses the principles of controlling air flow, temperature and humidity in a controlled environment. At page 2 of Sumner under the heading "Observation and Location", Sumner proposes monitoring tobacco throughout the curing process for temperature, humidity and color by looking through observation ports regularly to check the wet-bulb, dry-bulb thermometers and color changes taking place. Sumner discloses providing the wet-bulb or dry-bulb thermometers under the tobacco, between the racks of tobacco, or on top of the tobacco, depending on whether the barn is an updraft barn or a downdraft barn. Accordingly, Applicants respectfully submit that the disclosure in Sumner regarding control of temperature and humidity does not provide any suggestion to include at least one temperature sensor and/or at least one humidity sensor that detect temperature and/or humidity outside the enclosure.

Accordingly, Applicants respectfully submit that the combination of Danford and Sumner does not render obvious the claimed combinations of features set forth in dependent claims 2-3, 5-7, 10-12 and 21 of the present application. Withdrawal of all rejections under 35 U.S.C. §103 is therefore respectfully requested.

Prompt issuance of a Notice of Allowance is earnestly solicited. In the event any questions arise regarding this communication or the application in general, please contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: William O. Trousdell
William O. Trousdell
Registration No. 38,637

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: *June 17, 2003*